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# FISH & RICHARDSON P.C.

July 23, 2003

Attorney Docket No.: 14170-044002

## Mail Stop Patent Application

Commissioner for Patents

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Presented for filing is a new divisional patent application of:

Applicant: HUGH R. SHARKEY, GARY S. FANTON, J. REMBERTO  
CARRANZA AND DOUGLAS M. LORANG

Title: SURGICAL INSTRUMENT WITH OFF-AXIS ELECTRODE

The prior application is assigned of record to Oratec Interventions, Inc.,  
a Delaware corporation, by virtue of an assignment submitted to the Patent and  
Trademark Office and recorded on May 25, 2001 at 011854/0145.

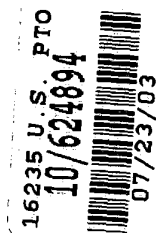
Enclosed are the following papers, including those required to receive a filing date  
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	14
Claims	2
Abstract	1
Declaration	[To be Filed at a Later Date]
Drawing(s)	8

### Enclosures:

- Form PTO-1449, 22 pages, listing documents cited in the parent application(s). Please confirm that these have been considered in this application by returning a copy of the Form PTO-1449 with the examiner's initials.
- Preliminary amendment, 12 pages.
- Postcard.

This application is a divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 09/753,786, filed January 2, 2001, which is a continuation-in-part of U.S. application no. 09/022,688, filed February 12, 1998, now U.S. Patent No. 6,168,593, which claims priority from U.S. provisional application no. 60/037,620, filed February 12, 1997. The disclosure of the immediately prior



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application is considered part of (and is incorporated by reference in) the disclosure of this application.

Basic filing fee	\$750
Total claims in excess of 20 times \$18	\$0
Independent claims in excess of 3 times \$84	\$0
Fee for multiple dependent claims	\$0
Total filing fee:	\$750

Under 37 CFR §1.53(f), no filing fee is being paid at this time.

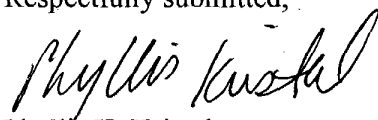
If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (202) 783-5070.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

Joel R. Petrow  
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1450 Brooks Road  
Memphis, TN 38116

Respectfully submitted,



Phyllis K. Kristal

Reg. No. 38,524

Enclosures

PKK/BXD/egf

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